HIGH COURT OF UTTARANCHAL AT NAINITAL

(Chapter VIII, Rule 32(2) (b)
Description of Case

Criminal Misc. Application No. 330 of 2006

Date of decision : 18th May, 2006

~~A.F.R. (Approved for Reporting~~

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Not approved for reporting

Initial of Judge.

Date 18/5/2006

Note:- Bench Reader will attach this at the top of the first page of the judgment when it is put up before the Judge for signature.

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No.330 of 2006

Satish S/o Shri Chaman Lal and another .....Applicants

Versus

State of Uttaranchal & another .....Respondents

Sri Parikshit Saini, learned counsel for the applicants.
Sri A. Rab, Addl. G.A. for the State

Hon'ble J. C. S. Rawat, J.

This petition u/s 482 Cr.P.C. has been preferred for quashing the chargesheet dated 19.08.2005 and cognizance order dated 19.09.2005 passed by the Chief Judicial Magistrate, Haridwar in Case No. 5244 of 2005 u/s 363, 366 and 376 I.P.C.

Brief facts for the disposal of this petition are that the Investigating Officer submitted the chargesheet against the applicants u/s 363 and 366 I.P.C. and the Investigating Officer also submitted the chargesheet against the accused Deepak u/s 363, 366 and 376 I.P.C. However, the learned Magistrate had taken the cognizance of the accused person including the present applicants u/s 363, 366 and 376 I.P.C. vide his order dated 19.09.2005.

Feeling aggrieved by the said order, the present petition has been filed.

Heard learned counsel for the parties and perused the record.

Earlier Rekha and Prakashi had also filed a Criminal Misc. Application No. 242 of 2006, feeling aggrieved by the cognizance order passed by the learned Magistrate and this court had passed a detail order on **20.04.2006 in Criminal Misc. Application No. 242 of 2006.** This petition is also squarely covered by the above petition.

In view of the facts and circumstances of the case, the cognizance order dated 19.09.2005 passed by the learned Chief Judicial Magistrate, Haridwar in Case No. 5244 of 2005 is hereby set aside so far as the present applicants are concerned. The case is remanded back to the learned Magistrate who will pass the

appropriate order in view of the observation made in the Criminal Misc. Application No. 242 dated 20th April, 2006.

In view of the above observation, the petition is disposed of accordingly.

All applications pending in this case are stand disposed of in terms of the judgment.

(J.C.S.Rawat, J.)

18th May, 2006
Shiv